

1 **Education Cabinet**

2 **Kentucky Board of Education**

3 **Department of Education**

4 **(Amendment)**

5 **707 KAR 1:350. Placement decisions.**

6 RELATES TO: KRS 157.200, 157.220, 157.224, 157.226, 157.230, 157.250, 157.260,
7 157.270, 157.280, 157.285, 157.290, 157.360, 158.030, 158.100, 158.150, 160.290, 20
8 U.S.C. § 1221(e), 20 U.S.C. § 1400-1419, 34 CFR 300.1-300.662.

9 STATUTORY AUTHORITY: KRS 156.070(1), 156.160, 157.220, 157.224, 157.260,
10 and 167.015.

11 NECESSITY, CONFORMITY, AND FUNCTION: KRS 157.200 to 157.290 establish
12 the statutory framework for special education programs in local school districts. KRS
13 157.220 mandates that the Kentucky Board of Education adopt rules and administrative
14 regulations to generally carry out these programs. KRS 156.035 sets forth the authority
15 of the Kentucky Board of Education to implement any act of Congress appropriating
16 funds to the state and to provide for the proper apportionment and disbursement of these
17 funds in accordance with state and federal laws. 20 U.S.C. 1400 et.seq. and 34 C.F.R.
18 Part 300 require that policies and procedures be adopted to assure the apportionment and
19 disbursement of federal funds for exceptional children programs in
20 accordance with applicable laws. This administrative regulation establishes requirements
21 for making placement decisions about children with disabilities.

1 Section 1. Placement decisions. (1) A LEA shall ensure that to the maximum extent
2 appropriate, children with disabilities, including children placed by the LEA in public or
3 private institutions or other care facilities, are educated with children who are
4 nondisabled. The LEA shall ensure that special classes, separate schooling or other
5 removal of children with disabilities from the regular educational environment occurs
6 only if education in the regular education environment with the use of supplementary aids
7 and services cannot be satisfactorily achieved due to the nature or severity of the
8 disability.

9 (2) A LEA shall ensure that a continuum of alternative placements is available to meet
10 the needs of children with disabilities facilities for special education and related services.

11 (3) The continuum shall include the alternative placements of:

- 12 (a) instruction in regular classes;
- 13 (b) special classes;
- 14 (c) special schools;
- 15 (d) home instruction; and
- 16 (e) instruction in hospitals and institutions.

17 (4) The LEA shall make provision for supplementary services to be provided in
18 conjunction with regular class placement.

19 (5) In determining the educational placement of a child with a disability, the LEA shall
20 ensure that the placement decision is made by the ARC in conformity with the least
21 restrictive environment provisions.

22 (6) A child's placement shall be:

- 23 (a) determined at least annually;

1 (b) based on the child's IEP; and

2 (c) as close as possible to the child's home.

3 (7) Unless the IEP of a child with a disability requires some other arrangement, the child
4 shall be educated in the school that he would attend if nondisabled.

5 (8) In selecting the least restrictive environment, consideration shall be given to any
6 potential harmful effects on the child or on the quality of services that he needs.

7 (9) A child with a disability shall not be removed from education in age-appropriate
8 regular classrooms solely because of needed modifications in the general curriculum.

9 (10) In providing or arranging for the provision of nonacademic and extracurricular
10 services and activities, a LEA shall ensure that a child with a disability participates with
11 nondisabled children in those services and activities to the maximum extent appropriate
12 to the needs of the child.

13 Section 2. Class size. (1) A LEA shall provide special education according to caseload
14 for special classes for each child with a disability as follows:

15 (a) emotional-behavior disability is eight (8);

16 (b) functional mental disability is ten (10);

17 (c) hearing impairment is six (6);

18 (d) mild mental disability for primary is fifteen (15) and for secondary is fifteen (15);

19 (e) multiple disabilities is ten (10);

20 (f) orthopedic impairment is sixteen (16);

21 (g) other health impairment is sixteen (16);

22 (h) specific learning disability for primary is ten (10) and for secondary is fifteen (15);

23 and

1 (i) visual impairment is ten (10).

2 (2) A LEA shall provide special education according to class size for resource classes for
3 each child with a disability as follows:

4 (a) emotional-behavior disability is eight (8);

5 (b) functional mental disability is eight (8);

6 (c) hearing impairment is eight (8);

7 (d) mild mental disability is ten (10);

8 (e) multiple disabilities is eight (8);

9 (f) orthopedic impairment is ten (10);

10 (g) other health impairment is ten (10);

11 (h) specific learning disability is ten (10); and

12 (i) visual impairment is eight (8).

13 (3) Children with disabilities that meet the definition of autism; deaf-blindness;
14 developmental delay for ages six (6), seven (7), and eight (8); and traumatic brain injury
15 shall be served in regular classes, special classes, or resource classes as determined by the
16 ARC.

17 (4) If a teacher of exceptional children provides services through the collaborative model,
18 the maximum caseload shall not exceed twenty (20) children with disabilities for
19 secondary, and fifteen (15) children with disabilities for primary.

20 (5) Pursuant to KRS 157.360, if caseload for special classes or class size for resource
21 classes exceeds the maximum specified in this section for thirty (30) days, a LEA shall
22 submit a waiver request to the Kentucky Department of Education.

23 Section 3. Caseload for resource teachers. Caseload for resource teachers shall refer

1 ~~[refers]~~ to maximum number of student records for which a teacher can be assigned. A

2 LEA shall make those assignments based on the following:

3 (1) emotional-behavioral disability is fifteen (15);

4 (2) functional mental disability is ten (10);

5 (3) hearing impairment is eight (8);

6 (4) mild mental disability for primary is fifteen (15) and for secondary is twenty (20);

7 (5) multiple disabilities is ten (10);

8 (6) orthopedic impairment is twenty (20);

9 (7) other health impairment is twenty (20);

10 (8) specific learning disability for primary is fifteen (15) and for secondary is twenty

11 (20); ~~[and]~~

12 (9) visual impairment is ten (10); and

13 (10) speech language pathologist caseload limits as contained in KRS 334A.190.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(4).

(Date)

Kevin M. Noland
Interim Commissioner of Education

(Date)

Keith Travis, Chairperson
Kentucky Board of Education

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on May 31, at 10:00 a.m. in the State Board Room, 1st Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this meeting shall notify this agency in writing five working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until May 31, 2007. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to Kevin M. Noland, Deputy Commissioner and General Counsel, Bureau of Operations and Support Services, Kentucky Department of Education, 500 Mero Street, First Floor, Capital Plaza Tower, Frankfort, Kentucky, 40601, phone 502/564-4474, fax 502/564-9321.